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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,900	12/01/2003	William P. Kroll	INT128USA	3363
24339	7590	09/15/2005		
JOEL D. SKINNER, JR. SKINNER AND ASSOCIATES 212 COMMERCIAL ST. HUDSON, WI 54016			EXAMINER DEVORE, PETER T	
			ART UNIT	PAPER NUMBER
			3751	

DATE MAILED: 09/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/725,900	Applicant(s) KROLL ET AL.	
	Examiner Peter T. deVore	Art Unit 3751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19 is/are allowed.
- 6) ☒ Claim(s) 1-13, 15-18, 20, 21 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-7, 9-13, 15-18, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Pawlos.

The Pawlos reference discloses an apparatus comprising a four way valve 21, a gas input assembly 11, a vacuum generator 36, an article interface assembly 15, and inlet port 21A, an outlet port 23, an outlet port 26, an exhaust port 27, a gas dryer/filter 17, a pressure regulator 19, a pressure indicator 20, a muffler 22A, and a manifold 22.

Claims 1-3, 6-8, 11, 17, 20, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Keefer.

Regarding claims 1-3, 6-8, 11, 17, and 21, the Keefer reference discloses an apparatus comprising four way valve 740, a gas input assembly 860, a vacuum generator 726, an article interface assembly (hose connection from the valve to article 750), a gas dryer/filter/dessicant cartridge (see col. 39, line 17), manifolds 682 and 996, and which further is capable of functioning as claimed (see col. 3, lines 44-68).

Regarding claim 20, the device functions via the claimed method (see col. 3, lines 44-68).

Allowable Subject Matter

Claim 19 is allowed.

Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 6/20/05 regarding claims 1 and 5 have been fully considered but they are not persuasive. Applicant first argues regarding claim 1 that Pawlos does not disclose a vacuum generator. However, as discussed in Pawlos line 5, lines 15-17, the venturi acts to reduce pressure in the flow and thus acts as an at least partial vacuum generator. Applicant next argues regarding claim 1 that the purging function of Pawlos is related to impurities in the apparatus rather than an external article; however, this distinction is not positively recited in the claim. Applicant next argues regarding claim 1 that the Keefer device does not have a vacuum pump connected to a four way valve. However as discussed in the rejection (as restated in this office action) the Keefer device does include this feature, Applicant next argues regarding claim 1 that the Keefer device is not disclosed as used for purging an inflating an article. However, it is the Examiner's position that the Keefer device is capable of functioning in this way and thus reads on the functional claim language. Applicant next argues regarding claim 5 that Pawlos does not show a direct connection between the

valve and the venturi tube; however, a "direct connection" is not recited in the claim.

Applicant next argues regarding claim 5, that Keefer does not show any connection between the valve and the vacuum pump. However, as discussed above, the restated rejection under Keefer provides for this relationship. Applicant next argues regarding claims 20 and 21 that the Keefer device does not function as claimed. However, as discussed in the restated rejection supra, the Keefer device does have the claimed functionality.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter T. deVore whose telephone number is (571) 272-4884. The examiner can normally be reached on Monday to Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/725,900
Art Unit: 3751

Page 5

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DAVID J. WALCZAK
PRIMARY EXAMINER